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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,254

08/14/2006

Yoshimitsu Fukushima

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23850 7590 04/27/2009  
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EXAMINER

BLOUIN, MARK S

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

04/27/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/589,254	FUKUSHIMA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MARK BLOUIN	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **Detailed Action**

### ***Response to Amendment***

- The reply filed on January 21, 2009 was applied to the following effect: Claims 1 and 6 were amended.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 is rejected under 35 U.S.C. 102(e) as being anticipated by Naoki (US 7,069,564).
3. Regarding Claim 1, Naoki shows (Figs. 1-22) a recording medium driver that drives a recording medium, the driver being able to detect information related to a state of a recording medium body accommodated in a cartridge (101) according to whether an information hole formed in the cartridge is opened or closed, the driver, comprising: a tray (30) including a mount surface on which the recording medium is mounted and being capable of housing the recording medium within a frame (1); a detection section (31) that can be come up from/come down into the mount surface of the tray and is projected from the mount surface to detect that the information hole is opened; and a switch section (33) disposed on a frame side to detect whether

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the detection section is come up or come down and to acquire the information related to the state of the recording medium.

4. Regarding Claim 2, Naoki shows (Figs. 1-22) the recording medium driver, wherein the detection section (31) includes a pin (shown as small rectangle on top of larger bottom rectangle of switch 33) for detecting the information hole and a support portion (larger bottom rectangle of switch 33) for supporting the pin, the tray includes a detection hole (30a) to which the pin is inserted, and the recording medium driver includes a resilient member (65) that constantly biases the support portion of the detection section from a back surface side opposite to the mount surface of the tray in a direction toward a mount surface side.

5. Regarding Claim 3, Naoki shows (Figs. 1-22) the recording medium driver, wherein an end of the resilient member (65) is a plate spring fixed to the support portion while the other end thereof is fixed to the tray.

6. Regarding Claim 4, Naoki shows (Figs. 1-22) the recording medium, wherein the detection section (31) is disposed substantially directly above the switch section, and the switch section (33) has a switch pin that is advanced or retracted substantially vertically relative to the tray and biased to a tray side with a biasing force greater than self weight of the detection section (31).

7. Regarding Claim 5, Naoki shows (Figs. 1-22) the recording medium driver, wherein the tray allows (2) a bare disc type recording medium to be mounted thereon, and the detection section positions the bare disc type recording medium.

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8. Regarding Claim 6, Naoki shows (Figs. 1-22) a recorder/reproducer, comprising: the recording medium driver, wherein the recorder/reproducer records information on or reproduces information from the recording medium.

***Response to Arguments***

9. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Blouin whose telephone number is 571-272-7583. The examiner can normally be reached on M-F from 6:00 to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Joe Feild, can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Mark Blouin/

Primary Examiner of Art Unit 2627

Mark Blouin  
Patent Examiner

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April 23, 2009